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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/112,750	07/10/1998	KIA SILVERBROOK	ART08-US	7269

7590

12/17/2002

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/112,750

Applicant(s)

Silverbrook

Examiner

Luong Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 2, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 10/02/2002 have been fully considered but they are not persuasive.

Applicant argues that the rejection of claims under 35 USC 103 (a) under Anderson '394 in view of Anderson ('175) is improper. Claim 5 defines a method of generating an output image using a digital camera comprising at least the two steps of firstly capturing a focused image using an automatic focusing technique which, in turn, generates focus setting and secondly, subsequently, generating an output image which has been manipulated by applying a digital image processing to the captured focused image employed at least the focus settings. And in Anderson '175 the focus settings and exposure settings are not subsequently recorded or made available for subsequent use.

In response, the Examiner disagrees. It should be noted that the feature "the focus settings and exposure settings are not subsequently recorded or made available for subsequent use" is not a claim language. Regarding claim 5, the Applicant only recited in claim 5 with the limitation "*capturing a focused image using an automatic focusing technique generating focus settings; generating a manipulated output image by applying a digital image manipulating process to the captured focused image, the digital image manipulating process utilizing the focus settings.*"

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The Examiner considers that claim 5 as claim still do not distinguish over Anderson et al. patent in view of Anderson ('175) patent. Anderson et al. disclose capturing a focused image (focusing imaging device 114 on object 112, figure 1, column 3, lines 20-25) and generating a manipulated output image by applying a digital image manipulating process to the captured focused image (a method for altering a linked series of image processors capable of manipulating digital image data, figure 7, column 1, lines 53-65). Anderson ('175) discloses a method for automatically focusing an image (figures 1-2, column 3, lines 30-39), this method includes generating focus settings (a plurality of initial focus and exposure settings are determined, figure 5, column 7, lines 60-65).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,157,394) in view of Anderson (US 5,745,175).

Regarding claim 5, Anderson et al. disclose a method and system for altering a linked series of image processors capable of manipulating digital image data comprising the steps of capturing a focused image (focusing imaging device 114 on object 112, figure 1, column 3, lines 20-25); generating a manipulated output image by applying a digital image manipulating process

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(a method for altering a linked series of image processors capable of manipulating digital image data, figure 7, column 1, lines 53-65). Anderson et al. fail to specifically disclose capturing a focused image using an automatic focusing technique generating focus settings. However, Anderson ('175) teaches a method for automatically focusing an image (figures 1-2, column 3, lines 30-39), this method includes generating focus settings (a plurality of initial focus and exposure settings are determined, figure 5, column 7, lines 60-65).. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Anderson et al. by the teaching of Anderson ('175) in order to obtain a method in which a picture can be obtained of the scene that is more focused and also has a better exposure (column 3, lines 43-44).

Regarding claim 6, Anderson ('175) discloses the focus settings include a current position of a zoom motor (zoom motor, column 5, line 60, column 2, lines 34-54).

Regarding claim 7, Anderson ('175) disclose said digital image manipulating process includes a step of locating an object within the focused image utilizing the focus settings (motor 46 controls the position of the movable lens group 23 from image sensor to focus (column 5, lines 55-60, column 4, lines 45-50).

Regarding claim 9, Anderson et al. disclose wherein the digital image manipulating process selective applies techniques to the focused image utilizing the focus settings (altering a linked series of image processors capable of manipulating digital image data, figure 7, column 1, lines 53-65).

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4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,157,394) in view of Anderson (US 5,745,175) further in view of Watanabe et al. (US 5,835,136).

Regarding claim 8, Anderson et al. and Anderson ('175) fail to specifically disclose a printing mechanism inbuilt into the digital camera. However, Watanabe et al. teaches printer 48 is inbuilt into an electronic printing camera, as shown in figures 1-2. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Anderson et al. and Anderson ('175) by the teaching of Watanabe et al. in order to permit a whole structure to be minimized to have portability as well as a low cost fabrication (column 8, lines 22-24).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN *LN*
12/9/2002